

**ORIGINAL**  
FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address): <b>MOFFATT THOMAS BARRETT ROCK FIELDS</b> <b>P.O. BOX 829</b> <b>BOISE, ID 83701</b>		JUL 27 10 15 CLERK IDAHO
TELEPHONE NO. (Optional) <b>(800) 422-2889</b> FAX NO. (Optional) <b>(208) 385-5384</b> EMAIL ADDRESS (Optional): <b>PLAINTIFF</b> ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: , BRANCH NAME:		
PLAINTIFF/PETITIONER: <b>RECUPEROS, LLC</b> DEFENDANT/RESPONDENT: <b>AMERICAN FOOD STORES</b>		CASE NUMBER: <b>CIV04-229-S-BLW</b>
<b>PROOF OF SERVICE SUMMONS</b>		Ref No. or File No. <b>19-111.0020</b>

(Separate proof of service is required for each party served)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the summons and
  - a. complaint
  - e. other (specify documents):  
**VERIFICATION**
3. a. Party Served: (specify name of party as shown on the documents served):  
**AMERICAN FOOD STORES, LLC., a California limited liability company**  
b. Person Served: other (specify name and relationship to party named in item 3a): other (specify name and relationship)  
**SUKHDEV KAPUR, AGENT FOR SERVICE OF PROCESS**
4. Address where the party was served: **13249 PARAMOUNT DRIVE  
SARATOGA, CA 95070**
5. I served the party (check proper box)
  - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **May 23, 2004** (2) at (time): **06:30 pm**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

RECUPEROS, LLC, an Idaho limited liability  
company,

Plaintiff,

vs.

AMERICAN FOOD STORES, LLC, a  
California limited liability company,

Defendant.

Civil No. CIV 04-229-S-BLW

SUMMONS IN A CIVIL CASE

TO: AMERICAN FOOD STORES, LLC, a California limited liability company

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY:

Michael O. Roe  
Moffatt, Thomas, Barrett, Rock & Fields, Chtd.  
101 South Capitol Boulevard, 10th Floor  
Post Office Box 829  
Boise, Idaho 83701

an answer to the Verified Complaint which is herewith served upon you within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the clerk of this Court within a reasonable period of time after service.

DATED this 13<sup>th</sup> day of May, 2004.

Cameron S. Burke  
Clerk of the U.S. District Court

By:

  
Deputy Clerk

PETITIONER: RECUPEROS, LLC

RESPONDENT: AMERICAN FOOD STORES

CASE NUMBER:

CIV04-229-S-BLW

6. The "Notice to the Person Served" (on the summons) was completed as follows:  
under the following Code of Civil Procedure section:  
[XX] 416.10 (corporation)

**7. Person who served papers**

- a. Name: DAVID NIEMAN
- b. Address: P. O. BOX 391, SAN JOSE, CA 95103-0391
- c. Telephone: (408) 293-9110
- d. The fee for service was: \$ 77.00
- e. I am:
  - (3) registered California process server
  - Independent contractor
  - (ii) Registration No.: 884
  - (iii) County : Santa Clara

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 24, 2004

DAVID NIEMAN

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHALL)



(SIGNATURE)

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